

REMARKS/DISCUSSION OF ISSUES

Claims 1-11 are pending in the application.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of the priority document.

The Examiner is respectfully requested to state whether the drawings are acceptable.

Claims 1-11 are amended for non-statutory reasons, to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

35 U.S.C. § 112

The Office Action rejects claims 1-11 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse those rejections for at least the following reasons.

At the outset, M.P.E.P. § 2171 states that 35 U.S.C. § 112, second paragraph includes two separate requirements: (1) the claims must set forth the subject matter that Applicants regard as their invention; and (2) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. M.P.E.P. § 2172.01, which the Office Action cites in support of the rejection, pertains to the first requirement. In particular, Applicants respectfully note that M.P.E.P. § 2172.01 pertains to rejections based on unclaimed essential matter. M.P.E.P. § 2172.01 states¹:

UNCLAIMED ESSENTIAL MATTER

In addition, a claim which fails to interrelate essential elements of the invention as defined by applicant(s) in the specification may be rejected

¹ The entire text of M.P.E.P. § 2172.01 is reproduced, except for the first paragraph which pertains only to 35 U.S.C. § 112, first paragraph, which has not been cited against any of Applicants' claims.

under 35 U.S.C. 112, second paragraph, for failure to point out and distinctly claim the invention. See In re Venezia, 530 F.2d 956, 189 USPQ 149 (CCPA 1976); In re Collier, 397 F.2d 1003, 158 USPQ 266 (CCPA 1968).

Applicants respectfully submit that the cited text from M.P.E.P. § 2172.01 makes absolutely no mention whatsoever of any requirement pertaining to any "essential structural cooperative relationship(s)" or any "gap between necessary structural connections" as the Office Action mentions. Instead, M.P.E.P. § 2172.01 pertains to interrelating essential elements of the invention as defined by applicant(s) in the specification. Applicants respectfully submit that the Office Action does not point to anything in Applicants' specification that defines any "essential elements." More generally, the Office Action does not identify any unclaimed essential matter that is missing from any of Applicants' pending claims.

Meanwhile, Applicants respectfully submit that there is no requirement under 35 U.S.C. § 112, second paragraph or anywhere else that limits Applicants to claiming their system in a "picture claim."

Furthermore, Applicants respectfully submit that claims 1-11 all fully satisfy the requirements of 35 U.S.C. § 112, second paragraph, as set forth above. First, claim 1 sets forth the subject matter that Applicants regard as their invention. Nothing in the specification indicates otherwise. Second, claim 1 particularly points out and distinctly defines the metes and bounds of the subject matter that will be protected by the patent grant. That is, Applicants respectfully submit that the scope of claim 1 is clear to a hypothetical person possessing the ordinary level of skill in the pertinent art (see M.P.E.P. § 2173).

Regarding claims 2, 4 and 5, Applicants respectfully submit that the claims have been amended to explicitly recite "a device among said plurality of devices," which it is believed should be more clear to the Examiner. Regarding claim 9, Applicants respectfully submit that the term "a strength of a level of attachment" is defined at page 15, line 32 - page 16, line 6. Regarding claim 10, Applicants have

rewritten claim 10 in independent form which it is believed should be more clear to the Examiner.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejections of claim 1-11 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 102

The Office Action rejects claims 1-11 under 35 U.S.C. § 102 over Gibbs.

Applicants respectfully traverse those rejections for at least the following reasons.

Claim 1

Among other things, the system of claim 1 includes a status manager including: (a) status channel creation means for creating on the bus an isochronous status channel, and (b) status transmitting means for transmitting status information on the isochronous status channel.

Applicants respectfully submit that Gibbs neither discloses nor suggests any such status manager.

It is well established that to maintain a rejection under 35 U.S.C. § 102, Gibbs must disclose each and every feature of Applicants' claims. The Office Action does not cite any text or figure in Gibbs as supposedly disclosing such a status manager. Instead, the Office Action repeatedly makes references and representations regarding "1394 protocol."

At the outset, Applicants respectfully submit that the Office Action does not cite any IEEE 1394 specification against Applicants' claims. The Office Action has not cited any documents in support of its representations regarding "1394 protocol." Only Gibbs has been cited. Meanwhile, if the Examiner believes that any portion of any IEEE 1394 specification discloses any feature of any of Applicants' claims, then Applicants respectfully request that the Examiner formally cite the document, specifically citing any portions where such features are supposedly disclosed.

In any event, Applicants respectfully submit that nothing in either Gibbs or "1394 protocol" discloses or suggests the status manager of claim 1. More

particularly, even if “1394 protocol” requires that “all isochronous data are transferred via created channels,” nothing in the “1394 protocol” discloses or suggests either: (a) an isochronous status channel, or (b) any status channel creation means to create such an isochronous status channel. Indeed, as explained in Applicants’ specification, in the past such status information was communicated using asynchronous messages (see page 2, lines 20-28), not via a dedicated isochronous status channel.

Therefore, neither Gibbs nor any “1394 protocol” discloses or suggests the system of claim 1.

Furthermore, the Office Action states that “in compliance with 1394 protocol, all data including status information must be broadcasted via channels.” However, that is not what claim 1 recites. Instead, claim 1 recites a status transmitting means for transmitting status information on an isochronous status channel. If the Examiner believes that “1394 protocol” discloses a status transmitting means for transmitting status information on an isochronous status channel, then Applicants respectfully request that he provide a specific citation in support. Applicants respectfully submit that nothing in “1394 protocol” discloses a status transmitting means for transmitting status information on an isochronous status channel.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over Gibbs.

Claims 2-9

Claims 2-9 depend from claim 1 and are all deemed patentable over Gibbs for at least the reasons set forth above with respect to claim 1, and for the following additional reasons.

Claim 2

Among other things, in the system of claim 2, the status manager includes status reception means for asynchronously receiving status information from a device, coupled to the status transmitting means for transmitting the received status information on the isochronous status channel.

Applicants respectfully submit that Gibbs does not disclose any such features.

The Office Action states that "it is clear that status information from a device must be needed."

Applicants respectfully submit that is not what claim 2 recites. Claim 2 very specifically recites a status manager that includes status reception means for asynchronously receiving status information from a device, coupled to the status transmitting means for transmitting the received status information on the isochronous status channel.

Applicants respectfully request that the Examiner either provide a citation to something in Gibbs that discloses status reception means for asynchronously receiving status information from a device, coupled to the status transmitting means for transmitting the received status information on the isochronous status channel, or else withdraw the rejection of claim 2.

Claim 3

Among other things, the system of claim 3 includes a status manager arranged to send to the device an identifier for the isochronous status channel in response to receiving the status information.

Applicants respectfully submit that Gibbs does not disclose any such features.

The Office Action states that "in full compliance with 1394 protocol, a device or node must be identified first before transfer of isochronous data."

Applicants respectfully submit that is not claim 3 recites. Claim 3 very specifically recites a status manager arranged to send to the device an identifier for the isochronous status channel in response to receiving the status information.

Applicants respectfully request that the Examiner either provide a citation to something in Gibbs that discloses a status manager arranged to send to the device an identifier for the isochronous status channel in response to receiving the status information, or else withdraw the rejection of claim 3.

Claim 4

Among other things, the system of claim 4 comprises a device including status reading means for reading the transmitted status information from the isochronous status channel.

Applicants respectfully submit that Gibbs does not disclose any such features.

The Office Action states that "it is clear that all devices or nodes must be able to "read" the status broadcast

Applicants respectfully submit that is not what claim 4 recites. Claim 4 very specifically recites a device including status reading means for reading the transmitted status information from the isochronous status channel. Applicants respectfully request that the Examiner either provide a citation to something in Gibbs that discloses a device including status reading means for reading the transmitted status information from the isochronous status channel, or else withdraw the rejection of claim 4.

Claim 10

Among other things, the device of claim 10 includes status channel creation means for creating on a bus an isochronous status channel; and status transmitting means for transmitting status information on the isochronous status channel.

As explained above with respect to claim 1, Applicants respectfully submit that Gibbs does not disclose any device that includes either status channel creation means for creating on a bus an isochronous status channel; or status transmitting means for transmitting status information on the isochronous status channel.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 10 is patentable over Gibbs.

Claim 11

Among other things, the device of claim 11 includes status reading means for reading the transmitted status information from the isochronous status channel.

As explained above with respect to claim 4, Applicants respectfully submit that Gibbs does not disclose any device that includes status reading means for reading the transmitted status information from the isochronous status channel.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 11 is patentable over Gibbs.

CONCLUSION

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-11 and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (703) 715-0870 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment (except for the issue fee) to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

VOLENTINE FRANCOS, P.L.L.C.

Date: 11 May 2004

By: 
Kenneth D. Springer
Registration No. 39,843

VOLENTINE FRANCOS, P.L.L.C.
12200 Sunrise Valley Drive, Suite 150
Reston, Virginia 20191
Telephone No.: (703) 715-0870
Facsimile No.: (703) 715-0877